(84)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Contempt Petition No.22 of 2004

Petitioner Applicant — Abdul Haleem Khan, Son of late Shri Abdul Hakim Khan, aged about 49 years, Resident of 9 Akbar Khan Ki Chaal, Opposite Mission Hospital, Bilaspur, Chhattisgarh

versus

Respondent Contemnor — Rahul Bajpai, Son of Shri Rohini Prasad Bajpai, aged about 44 years, resident of Idgah Chowk, Bilaspur, Chhattisgarh

Present : Shri Goutam Bhaduri, counsel for the applicant.
Dr. N.K.Shukla, Senior Advocate with Shri Dilip Dubey, counsel for the non-applicant.

ORAL ORDER

(Passed on 2nd April, 2007)

The non-applicant in this contempt petition is one Rahul Bajpai, son of Shri Rohini Prasad Bajpai, resident of Idgah Chowk, Bilaspur (Chhattisgarh). The applicant in this contempt petition was the writ petitioner in Writ Petition No.3081/2003. Along with his writ petition, he had filed an application for grant of ad-interim relief. The relief sought for in the application was as under :-

> "(i) This Hon'ble Court be pleased to appoint an Independent Receiver for safe custody and maintenance of status quo with respect to the property in question of Annex. P-7 as per the provisions of Section 86 of the Wakf Act, 1995, till the disposal of the instant petition.
>
> (ii) This Hon'ble Court may further be pleased that respondent No.4 be restrained from taking possession of the property in question on the strength of sale deed of Annexure P-7."

(2) This Court, by its order dated 12-11-2003 passed in Writ Petition No.3081/2003, had granted the following interim relief :-

> "Having heard the learned counsel for the parties, respondents are directed to maintain status quo as it exists today, until further orders."

(3) In this contempt petition, the complainant/applicant alleges that the non-applicant has disobeyed the interim *status quo* order passed by this Court. Therefore, a request is made to initiate appropriate contempt proceedings against the fourth respondent/non-applicant.

(4) The fourth respondent/non-applicant has filed his counter. In that, he has stated that the possession of the property, which is in dispute, was handed over to him pursuant to a registered sale-deed dated 13-12-2002. It is further stated that he was not made known to the interim order dated 12-11-2003 at any point of time.

(5) The second submission of the fourth respondent/non-applicant need not be considered by me, as the only prayer sought for by the petitioner in the writ petition was that the fourth respondent/non-applicant should be restrained from taking possession of the property in question pursuant to the registered sale-deed. The interim order directing to maintain *status quo* was passed by this Court on 12-11-2003. Even before the interim order could be passed by this Court, the fourth respondent/non-applicant had already taken possession of the property in question on 13-12-2002. That only means that even before the interim order could be passed by this Court, the fourth respondent/non-applicant had already taken possession of the property in question. Therefore, no contempt, deliberate or wilful, is committed by the fourth respondent/non-applicant.

(6) In that view of the matter, the contempt proceedings are dropped. Ordered accordingly.

Sd/-
Chief Justice